

2009 DRAFTING REQUEST

Bill

Received: **01/12/2009**

Received By: **rchampag**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Frederick**

This file may be shown to any legislator: **NO**

Drafter: **rchampag**

May Contact:

Addl. Drafters:

Subject: **Employ Pub - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Frederick, BB0397 -

Topic:

Transfer of state personal function to OSER

Instructions:

See attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/1	rchampag 01/12/2009	jdye 01/13/2009	rschluet 01/13/2009	_____	cdurst 01/13/2009		State
/2	rchampag 01/15/2009	jdye 01/15/2009	rschluet 01/15/2009	_____	sbsford 01/15/2009		State
/3	rchampag 01/16/2009	jdye 01/16/2009	jfrantze 01/16/2009	_____	sbsford 01/16/2009		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/4	rchampag 01/20/2009	jdyer 01/21/2009	jfrantze 01/21/2009		cduerst 01/21/2009		State
/5	rchampag 01/30/2009	jdyer 01/30/2009	jfrantze 01/30/2009		cduerst 01/30/2009		

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/2	rchampag 01/15/2009	jdye 01/15/2009	rschluet 01/15/2009	_____	sbasford 01/15/2009		State
/3	rchampag 01/16/2009	jdye 01/16/2009	jfrantze 01/16/2009	_____	sbasford 01/16/2009		State

1/30 jld
1/30 jld

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/?		14 1/2 jld		_____			State
/1	rchampag 01/12/2009	jdye 01/13/2009	rschluet 01/13/2009	_____	cdurert 01/13/2009		State
/2	rchampag 01/15/2009	jdye 01/15/2009	rschluet 01/15/2009	_____	sbsford 01/15/2009		State
/3	rchampag 01/16/2009	jdye 01/16/2009	jfrantze 01/16/2009	_____	sbsford 01/16/2009		

[Handwritten signature]
1/21

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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Handwritten signatures and dates:
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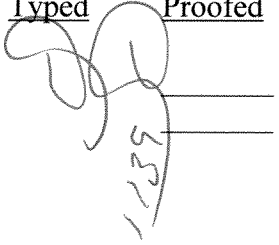
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/?	rchampag						

FE Sent For:

<END>

2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Transfer of Personnel Function to Office of State Employment Relations
- Tracking Code: BB0397
- SBO team: State Operations
- SBO analyst: Caitlin Morgan Frederick
 - Phone: 6-8777
 - Email: caitlin.frederick@wisconsin.gov
- Agency acronym: OSER
- Agency number: 545
- Priority (Low, Medium, High): High

Intent:

- Modify current law to transfer human resources staff from all state agencies except the Legislature, UW and Court to OSER. Incumbent employees transferred would maintain their civil service rights from the originating agency and would not need to serve a probationary period
- Create non-stat language similar to that drafted under LRB 1264/1 (payroll consolidation) relating to the transfer of employees to OSER.

12 Jan 09

Rich -

This probably will include change
to 545 (1)(k) as done in draft
LRB 1441/1, but we wanted to
keep them as separate documents.

Caitlin



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1459/1

RAC:.....

LPS-check auto
refs

jld

DOA:.....Frederick, BB0397 - Transfer of state personal function to OSER ✓

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

✓
1

do not gen
AN ACT ...; relating to: the budget. ✓

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT ✓

STATE EMPLOYMENT ✓

This bill authorizes the Office of State Employment Relations (OSER) to provide state agencies with *any* services and materials and to charge the state agencies for the services and materials. ✓ Currently, OSER may charge other state agencies for *employment* services and materials. ✓

The bill also requires the secretary of administration to abolish all human resources positions in executive branch state agencies, other than DOA and the Board of Regents of the UW System, and authorizes the secretary of administration to transfer state employees from these agencies, who perform human resources functions, to OSER. ✓

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill. ✓

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2

SECTION 1. 20.545 (1) (k) of the statutes is amended to read: ✓

1 20.545 (1) (k) *Funds received from other state agencies.* All moneys received
2 from other state agencies for the purpose of providing employment services and
3 materials to state agencies.

4 History: 2003 a. 33 ss. 623 to 630d, 646m, 9160; 2007 a. 20.

4 **SECTION 2.** 230.04 (18) of the statutes is created to read:

5 230.04 (18) The director may provide any services and materials to agencies
6 and may charge the agencies for providing the services and materials. All moneys
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8 20.545 (1) (k).

9 **SECTION 3.** 230.05 (9) of the statutes is created to read:

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12 moneys received from the charges shall be deposited in the appropriation account
13 under s. 20.545 (1) (k).

14 **SECTION 9101. Nonstatutory provisions; Administration.**

15 (1) TRANSFER OF HUMAN RESOURCES STAFF TO THE DEPARTMENT OF ADMINISTRATION.

16 (a) In this subsection, "executive branch state agency" means any office,
17 department, or independent agency in the executive branch of state government,
18 other than the department of administration and the Board of Regents of the
19 University of Wisconsin System.

20 (b) The secretary of administration, with the assistance of the director of the
21 office of state employment relations, shall identify and abolish all authorized FTE
22 positions to executive branch state agencies that are responsible for the performance
23 of human relations functions for those agencies.

1 (c) The secretary of administration, ✓ with the assistance of the chief
2 administrative officer of each executive branch state agency, ✓ shall identify
3 employees of executive branch state agencies whose positions are abolished under
4 ✓ paragraph (b). ^{↖ a.s.} The secretary of administration may transfer any employee so
5 identified to the office of state employment relations. ✓

6 (d) Employees transferred to the office of state employment relations ✓ under
7 paragraph (c) shall have all the rights and the same status under subchapter V ✓ of
8 chapter 111 and chapter 230 ✓ of the statutes in the ✓ office of state employment
9 relations that they enjoyed in the executive branch state agencies from which they
10 were transferred immediately before the transfer. ✓ Notwithstanding section 230.28
11 (4) ✓ of the statutes, no employee so transferred who has attained permanent status
12 in class is required to serve a probationary period. ✓

13 (e) The authorized FTE ✓ positions for the ✓ office of state employment relations,
14 funded from the appropriation under section 20.545 (1) (k) ✓ of the statutes, as affected
15 by this act, are increased by the number of individuals transferred to the office of
16 state employment relations ✓ under paragraph (c), ^{↖ a.s.} for the purpose of providing ✓ human
17 resources services to state agencies. Such positions shall be PR ✓ positions.

18 (END)

Champagne, Rick

From: Frederick, Caitlin - DOA [caitlin.frederick@wisconsin.gov]
Sent: Thursday, January 15, 2009 10:56 AM
To: Champagne, Rick
Subject: FW: LRB Draft: 09-1459/1 Transfer of state personal function to OSER
Attachments: 09-1459/1.pdf

Can you add non stat language which requires the transfer to be completed by July 1, 2011 and a report submitted to the Joint Committee on Finance in fiscal year 2009-10 and in fiscal year 2010-11 on the implementation and outcomes of the transfer.

From: Schlueter, Ron [mailto:Ron.Schlueter@legis.wisconsin.gov]
Sent: Tuesday, January 13, 2009 9:27 AM
To: Frederick, Caitlin - DOA
Cc: Thornton, Scott - DOA; Hanaman, Cathlene - LEGIS; Beadles, Kathleen - DOA
Subject: LRB Draft: 09-1459/1 Transfer of state personal function to OSER

Following is the PDF version of draft 09-1459/1.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1459/12

RAC:jld:rs

RMR

DOA:.....Frederick, BB0397 - Transfer of state personal function to OSER

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

do not gen.

before July 1, 2011

relations

1 AN ACT ...; relating to: the budget.

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19 University of Wisconsin System.

20 (b) ~~The~~ ^{Before July 1, 2011, the} secretary of administration, with the assistance of the director of the
21 office of state employment relations, shall identify and abolish all authorized FTE
22 positions to executive branch state agencies that are responsible for the performance
23 of human relations[✓] functions for those agencies.

24 (c) The secretary of administration, with the assistance of the chief
25 administrative officer of each executive branch state agency, shall identify

1 employees of executive branch state agencies whose positions are abolished under
2 paragraph (b). The secretary of administration may transfer any employee so
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13 by this act, are increased by the number of individuals transferred to the office of
14 state employment relations under paragraph (c), for the purpose of providing human
15 resources services[✓] to state agencies. Such positions shall be PR positions.

16

(END)

Insert 3-16 ✓

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1459/2ins
RAC;jld:rs

Insert 3-16:

(f) During the 2009-10[✓] and the 2010-11[✓] fiscal years, the secretary of administration[✓] shall submit to the cochairpersons of the joint committee on finance a report on the implementation of the transfer of employees who perform[✓] human relations functions to the office of state employment relations.[✓]

Champagne, Rick

From: Frederick, Caitlin - DOA [caitlin.frederick@wisconsin.gov]
Sent: Thursday, January 15, 2009 5:11 PM
To: Champagne, Rick
Subject: FW: LRB Draft: 09-1459/2 Transfer of state personal function to OSER
Attachments: 09-1459/2.pdf

Rick,

Sorry I missed this in our drafting request (modeled off payroll consolidation). The DOA should be included as part of the transfer so please modify.

From: Schlueter, Ron [mailto:Ron.Schlueter@legis.wisconsin.gov]
Sent: Thursday, January 15, 2009 2:02 PM
To: Frederick, Caitlin - DOA
Cc: Thornton, Scott - DOA; Hanaman, Cathlene - LEGIS; Beadles, Kathleen - DOA
Subject: LRB Draft: 09-1459/2 Transfer of state personal function to OSER

Following is the PDF version of draft 09-1459/2.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1459/2 3
RAC:jld:rs

RMR

DOA:.....Frederick, BB0397 - Transfer of state personal function to OSER

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

- do not gen ✓

✓

1

AN ACT ...; relating to: the budget. ✓

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CS
✓ OFFICE OF
STATE EMPLOYMENT
RELATIONS

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16 (f) During the 2009-10 and the 2010-11 fiscal years, the secretary of
17 administration shall submit to the cochairpersons of the joint committee on finance
18 a report on the implementation of the transfer of employees who perform human
19 relations functions to the office of state employment relations.

20 (END)

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Per Caitlin, provide the general
operation is to be funded from
PR, not GPR. Repeal
20.545 (1)(a) & expand
20.545 (1)(k).



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1459/3/4
RAC:jld:jf
RMR

DOA:.....Frederick, BB0397 - Transfer of state personal function to OSER

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-do not gen✓

X

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LEGISLATIVE REFERENCE BUREAU**

LRB-1459/4ins
RAC:jld:jf

Insert Analysis:

Finally, the bill changes the funding source for the general program operations of OSER from general purpose revenue to program revenue, consisting from moneys received from state agencies for services and materials.

Insert 2-4:

SECTION 1. 20.545 (1) (a) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

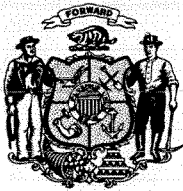
SECTION 2. 20.545 (1) (k) of the statutes is repealed and recreated to read:

20.545 (1) (k) *General program operations.* All moneys received from state agencies for services and materials, to be used to administer state employment relations functions and the civil service system under subch. V of ch. 111 and ch. 230, to pay awards under s. 230.48, and to defray the expenses of the state employees suggestion board.

History: 2003 a. 33 ss. 623 to 630d, 646m, 9160; 2007 a. 20.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(end ins 2-4)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1459/4

RAC:jld:jf

5

RMK

DOA:.....Frederick, BB0397 - Transfer of state personal function to OSER

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1

AN ACT ...; relating to: the budget. ✓

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

STATE EMPLOYMENT

This bill authorizes the Office of State Employment Relations (OSER) to provide state agencies with *any* services and materials and to charge the state agencies for the services and materials. Currently, OSER may charge other state agencies for *employment* services and materials.

The bill also requires the secretary of administration before July 1, 2011, to abolish all human resources positions in executive branch state agencies, other than the Board of Regents of the UW System, and authorizes the secretary of administration to transfer state employees from these agencies, who perform human relations functions, to OSER.

Finally, the bill changes the funding source for the general program operations of OSER from general purpose revenue to program revenue, consisting from moneys received from state agencies for services and materials.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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8 **SECTION 3.** 230.04 (18) of the statutes is created to read:

9 230.04 (18) The director may provide any services and materials to agencies
10 and may charge the agencies for providing the services and materials. All moneys
11 received from the charges shall be deposited in the appropriation account under s.
12 20.545 (1) (k).

13 **SECTION 4.** 230.05 (9) of the statutes is created to read:

14 230.05 (9) The administrator may provide any services and materials to
15 agencies and may charge the agencies for providing the services and materials. All
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18 **SECTION 9101. Nonstatutory provisions; Administration.**

19 (1) TRANSFER OF HUMAN RESOURCES STAFF TO THE OFFICE OF EMPLOYMENT
20 RELATIONS.

CS
**** Note: This is reconciled s. 20.545(1)(k).
This section has been affected by LRB-1500/4
and 1459/4. Conceptually

1 (a) In this subsection, "executive branch state agency" means any office,
2 department, or independent agency in the executive branch of state government,
3 other than the Board of Regents of the University of Wisconsin System.

4 (b) Before July 1, 2011, the secretary of administration, with the assistance of
5 the director of the office of state employment relations, shall identify and abolish all
6 authorized FTE positions to executive branch state agencies that are responsible for
7 the performance of human relations functions for those agencies.

8 (c) The secretary of administration, with the assistance of the chief
9 administrative officer of each executive branch state agency, shall identify
10 employees of executive branch state agencies whose positions are abolished under
11 paragraph (b). The secretary of administration may transfer any employee so
12 identified to the office of state employment relations.

13 (d) Employees transferred to the office of state employment relations under
14 paragraph (c) shall have all the rights and the same status under subchapter V of
15 chapter 111 and chapter 230 of the statutes in the office of state employment
16 relations that they enjoyed in the executive branch state agencies from which they
17 were transferred immediately before the transfer. Notwithstanding section 230.28
18 (4) of the statutes, no employee so transferred who has attained permanent status
19 in class is required to serve a probationary period.

20 (e) The authorized FTE positions for the office of state employment relations,
21 funded from the appropriation under section 20.545 (1) (k) of the statutes, as affected
22 by this act, are increased by the number of individuals transferred to the office of
23 state employment relations under paragraph (c), for the purpose of providing human
24 resources services to state agencies. Such positions shall be PR positions.

1 (f) During the 2009-10 and the 2010-11 fiscal years, the secretary of
2 administration shall submit to the cochairpersons of the joint committee on finance
3 a report on the implementation of the transfer of employees who perform human
4 relations functions to the office of state employment relations.

5 (END)

d-note
↓

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

D-Note

This draft reconciles ✓ LRB-1500/P4 & 1459/4
with respect to the treatments of s. 20.545
(1) (a) ✓ & (k) ✓. Both drafts should continue
to appear in the compiled bill. ✓

RAC

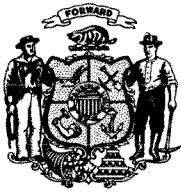
**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1459/5dn
RAC:jld:jf

January 30, 2009

This draft reconciles LRB-1500/4 and 1459/4 with respect to the treatments of s. 20.545 (1) (a) and (k). Both drafts should continue to appear in the compiled bill.

Rick A. Champagne
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State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1459/5
RAC:jld:jf

DOA:.....Frederick, BB0397 - Transfer of state personal function to OSER
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